IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

RP.No. 1175 of 2007(W)

AGAINST THE JUDGEMENT IN WPC.33371/2007 Dated 13/11/2007

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REVIEW PETITIONER/PETITIONER

P.K.SREEDHARAN, S/O.KUNJAN, AGED 50
YEARS, VADACHIRAPATTU HOUSE, EAZHAKARANADU P.O.
VIA PUTHENCRUZ, ERNAKULAM DT.

BY ADV. SRI.M.V.PAULOSE

RESPONDENTS: RESPONDENTS

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1. THE INSPECTOR,
   TODDY WORKER'S WELFARE FUND, ERNAKULAM.

2. THE DISTRICT COLLECTOR, ERNAKULAM.

3. THE DEPUTY TAHSILDAR,
   (REVENUE RECOVERY) TALUK OFFICE,
   KUNNATHUNADU, PERUMBAVOOR P.O

R1 BY ADV. SRI K. HARILAL. SC. FPR KTWWF

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC, J.

R.P. 1175 OF 2007 in W.P.(C) 33371 OF 2007

Dated: December 3, 2007

ORDER

The writ petition was dismissed by judgment dated 13.11.2007, overruling the contentions raised by the petitioner that the debt in question was time-barred. However, this review petition has been filed reiterating this plea. It was contended that the final determination order was passed on 30.4.1988 and that an appeal was filed by another person who was found to be an employee. It is contended by the petitioner that he was not a party to the appeal and that as far as he is concerned, the limitation has to run from 30.4.1988. Based on this, It is contended, that revenue recovery proceedings was initiated by Ext.P3 notice is time-barred.

2. I am not in a position to accept this contention. From the facts it is seen that the final determination order in question was initially passed on 30.4.1988 where four persons were found to be employees. One of them had filed an appeal and the appellate authority remanded the matter for a fresh consideration. Accordingly enquiry was held and in the enquiry held on 3.6.2005 and on 28.9.2005 the review petitioner was also represented and this is disclosed in paragraphs 4 and 6 of Ext.P2 order. On conclusion of the de novo enquiry, by Ext.P2 issued on 30.3.2007, a fresh final

determination order was passed. It is based on that final determination order that the requisition was issued to the revenue recovery authority on 17.9.2007, on the basis of which Ext.P3 revenue recovery notice was issued. It is also seen from the proceedings that interest was levied only from the date of Ext.P2 (30.3.2007). These facts disclose that with notice to the petitioner de novo enquiry was held and fresh final determination order was passed. If that be so, limitation starts from that date and not from 30.4.1988 as contended by the petitioner.

The review petition fails and is dismissed.

ANTONY DOMINIC, JUDGE

mt/-